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Hamida Banu vs the State of Karnataka

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Court : Karnataka

Decided On : Mar-28-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/3059/2025

Appellant : Hamida Banu

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 3059 OF 2025 BETWEEN: HAMIDA BANU, W/O LATE MOHAMMED HANEEF, AGED ABOUT 40 YEARS, R/AT 1ST STREET, MUSLIM BLOCK, KANAKAPURA TOWN, RAMANAGARA, KARNATAKA - 562 117. PETITIONER (BY SRI. JAGADEESHA H, ADVOCATE) AND: THE STATE OF KARNATAKA, BY KANAKAPRUA TOWN POLICE STATION, BANGALORE Digitally REPRESENTED BY STATE PUBLIC PROSECUTOR, signed by

of Karnataka (BY SRI. H. NAGESHWARAPPA, HCGP) THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN C.C.NO.(CRIME NO. 139/2025) OF RESPONDENT KANAKAPURA TOWN POLICE FOR THE OFFENCES U/S 302, 201 OF IPC PENDING ON THE FILE BEFORE III ADDITIONAL CIVIL JUDGE AND JMFC AT KANAKAPURA. -2- THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused in Crime No.139/2024 registered by Kanakapura Town Police Station, Ramanagara District, for the offences punishable under Sections 302, 201 of IPC is before this Court under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.139/2024 was registered by

Kanakapura Town Police Station, Ramanagara District, for the aforesaid offences based on first information dated 30.08.2024 received from Smt.Ushanandini, police officer attached to Kanakapura Town Police Station, Ramanagara District.

4. During the course of investigation of the case, petitioner herein was arrested on 29.11.2024 and -3-

subsequently remanded to judicial custody. Investigation of the case is completed and charge sheet is filed against the petitioner for the aforesaid offences. Bail application filed by the petitioner before the Jurisdictional Sessions Court in Crl.Misc.No.5305/2024 was rejected on 24th December, 2024. Therefore, petitioner is before this Court.

5. Learned Counsel for the petitioner submits that

petitioner is a married lady aged about 40 years having no criminal antecedent. The entire case of the prosecution is based on circumstantial evidence. The deceased has not suffered any injuries on his body and therefore, allegation found against the petitioner in the charge sheet becomes doubtful. Accordingly, he prays to allow this petition.

6. Per contra, learned HCGP has opposed the petition. He submits that there are strong circumstances against the petitioner. Accordingly, he prays to dismiss this petition. -4-

7. First information in the present case was submitted by the police officer attached to Kanakapura

Town Police Station, Ramanagara District after the postmortem report of deceased Mohamadh Anif was received. In the postmortem report, the cause of death of deceased is mentioned as asphysia due to compression of neck - strangulation (Homicide).

8. Perusal of the material on record would go to

show that petitioner is the wife of deceased Mohamadh Anif and it appears that deceased was a chronic drunkard and he was ill-treating his wife and other family members. It is under these circumstances, the petitioner allegedly had decided to eliminate her husband and on 20.06.2024, the deceased who had consumed alcohol had complained to the petitioner about neck pain at about 2:00 a.m. and petitioner allegedly who was waiting for an opportunity, in the guise of massaging his neck allegedly throttled his neck with her hands and as a result Mohamadh Anif had lost consciousness. Thereafter, C.W-3, C.W-4 and C.W-5

-5-

had arrived after the petitioner had summoned them and they allegedly tried to make the deceased to drink water assuming that his sugar was low. Subsequently, when he was taken to the hospital, Doctor declared he was brought dead. It is only

after the postmortem report of the deceased was received; it was found that death was homicidal. The entire case of the prosecution is based on circumstantial evidence.

9. Postmortem report of the deceased would go to

show that he had not suffered any injuries on his body and it also suggests that he had consumed alcohol. Petitioner who is a married lady aged about 40 years is in custody from 29.11.2024. Investigation of the case is completed and charge sheet has been filed. Considering the nature of allegations found against the petitioner in the charge sheet and also having regard to the proviso to Section 480 of BNSS, 2023, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following:-

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ORDER

The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.139/2024 registered by Kanakapura Town Police Station, Ramanagara District, for the offences punishable under Sections 302, 201 of IPC, subject to the following conditions: a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court; b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts her appearance for valid reasons; c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses; d) The petitioner shall not involve in similar offences in future; -7- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against her is disposed off. Sd/- (S VISHWAJITH SHETTY) JUDGE KVR List No.: 1 Sl No.: 52 CT: BHK

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